



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

EMINENT DOMAIN — COMPENSATION — DENIAL OF COMPENSATION FOR BUILDINGS ERECTED IN LINE OF PLOTTED STREETS. — A state statute authorized the defendant city to adopt a plan of city streets, and provided that property owners should recover no damages for buildings which should be erected within the lines of such plotted streets. The plaintiff owned land in the business center of the city which was adapted for building purposes. Streets had been plotted over this land but had not yet been opened. The plaintiff seeks relief in the federal court against the provisions of the statute. *Held*, that the plaintiff is entitled to no relief. *Harrison v. City of Philadelphia*, 217 Fed. 107 (Dist. Ct., E. D. Pa.).

To deny compensation to a landowner for buildings erected by him in the line of streets plotted but not yet opened, deprives him of a most substantial right of user. Accordingly the authorities are generally agreed that such a statutory provision is unconstitutional. *State v. Carragan*, 36 N. J. L. 52; *Forster v. Scott*, 136 N. Y. 577. Thus if the landowner does erect buildings, he will receive proper compensation in spite of the statute, when the streets are opened. *State v. Carragan, supra*. The mere plotting of the streets, therefore, deprives him of no appreciable right of user, and is not such a taking as to demand compensation. *State v. Seymour*, 35 N. J. L. 47; see *District of Columbia v. Armes*, 8 App. D. C. 393, 415. The principal case is equally correct even if the provision denying compensation for subsequently erected buildings is upheld by construing the statute to give a present right to damages for the consequential injury. See *Chester County v. Brower*, 117 Pa. St. 647. To uphold the provision without this construction, however, would deprive the owner of property without due process of law, and in that event, he would be able to invoke the protection of the Fourteenth Amendment. See *Chicago, B. & Q. R. Co. v. Chicago*, 166 U. S. 226, 235 *et seq.*

EVIDENCE — CONFESSIONS — ADMISSIBILITY OF INVOLUNTARY CONFESSION TO IMPEACH DEFENDANT AS A WITNESS. — In a trial for murder the written confession of the defendant was not shown to be voluntary, and was not offered as direct evidence. The defendant, however, took the stand, and it was then introduced as a prior contradictory statement, to impeach the defendant's credibility as a witness. *Held*, that it is also inadmissible for this purpose. *Jones v. State*, 149 N. W. 327 (Neb.).

The exclusion of involuntary confessions rests partly upon the desire to give the accused a fair trial, but chiefly upon the probability of their untrustworthiness in view of the circumstances under which they were made. See 1 WIGMORE, EVIDENCE, § 822. In administering this rule of exclusion, some authorities have treated confessions as *prima facie* admissible, relying on their primary character as admissions. *State v. Grover*, 96 Me. 363, 52 Atl. 757; *Hopt v. Utah*, 110 U. S. 574. Other cases hold a confession admissible unless evidence of its involuntary character is introduced, but then throw the burden of proof on the prosecution to show its admissibility. *Queen v. Thompson*, [1893] 2 Q. B. 12; see 1 WIGMORE, EVIDENCE, § 860. The principal case, however, takes the view that the prosecution must show the confession to have been voluntary before it is admissible as direct evidence. *McAlpine v. State*, 117 Ala. 93, 23 So. 130. It therefore seems correct in rejecting it when offered to impeach the defendant. When the accused takes the stand, his credibility may in general be attacked like that of any other witness. *Commonwealth v. Bonner*, 97 Mass. 587; *State v. Murphy*, 45 La. Ann. 958, 13 So. 229. But the prosecution should not be permitted by indirect methods to lay before the jury evidence which is inadmissible directly. Moreover, it is submitted that a confession rejected as untrustworthy evidence of guilt is also somewhat untrustworthy for purposes of impeachment. *State v. Shepard*, 88 Wis. 185, 59 N. W. 449. *Contra, Commonwealth v. Tolliver*, 119 Mass. 312; and see *State v. Broadbent*, 27 Mont. 342, 71 Pac. 1.